

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PALTALK HOLDINGS, INC.,

Plaintiff

vs.

CISCO SYSTEMS, INC.,

Defendant.

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No. 6:21-cv-00757-ADA

JURY TRIAL DEMANDED

NOTICE OF APPEAL

Notice is hereby given that defendant Cisco Systems, Inc. (“Cisco”) appeals to the United States Court of Appeals for the Federal Circuit from the judgment entered on October 8, 2024, (ECF No. 221) and the Court’s ruling of April 10, 2025, denying Cisco’s JMOL and new-trial motions as to noninfringement and invalidity (*see* 4/10/25 email to counsel of record from Paige_Welch@txwd.uscourts.gov (attached), which stated: “Regarding Cisco’s Motion, the Court **DENIES** both the motions for (1) new trial on infringement based on the arguments related to the scope and meaning of the ‘each’ limitations, and (2) new trial on the infringement and invalidity of dependent claims 2 and 3.”), and all orders that, for purposes of appeal, merge into the judgment.

The Court has not yet resolved Cisco’s motion for a new trial on damages or Paltalk Holdings, Inc.’s motion to amend the judgment to include pre-judgment interest on the damages award and post-judgment interest on any pre-judgment interest. An appeal is nonetheless proper under 28 U.S.C. § 1292(c)(2) with resolution of Cisco’s post-trial motions relating to noninfringement and invalidity because denial of those motions renders the Court’s judgment in this matter final except for an accounting. *See Robert Bosch, LLC v. Pylon Mfg. Corp.*, 719 F.3d 1305 (Fed. Cir. 2013) (en banc).

Cisco files this notice of appeal out of an abundance of caution given its uncertainty as to whether the email of April 10 constituted an order of the Court denying Cisco's post-trial motions relating to noninfringement and invalidity. Cisco wrote to the Court on April 25, 2025, to express its intention to appeal under § 1292(c)(2) and to request entry of a formal order on the Court's docket reflecting the denial of Cisco's post-trial motions on all noninfringement and invalidity issues. The Court has not acted on that request or otherwise clarified the status of Cisco's post-trial motions pertaining to liability issues or the effect of the Court's email of April 10 purporting to deny those motions. Cisco therefore files this notice within 30 days of the Court's email of April 10, 2025, in view of precedent requiring notice of an appeal taken under § 1292(c)(2) to be filed within 30 days after resolution of post-trial motions on liability issues. *See Mondis Tech. Ltd. v. LG Elecs., Inc.*, 6 F.4th 1379 (Fed. Cir. 2021).

Dated: May 9, 2025

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